

## Relations industrielles Industrial Relations



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À l'heure de 1992, une question retient particulièrement l'attention: la conclusion de conventions collectives au niveau européen, ou mieux, l'absence d'une véritable pratique contractuelle européenne, malgré quelques accords particuliers, comme une convention de sécurité sociale propre aux bateliers rhénans datant de 1950 (p. 187 et suivantes). Comment expliquer une telle carence? D'abord, l'existence d'un droit étatique grandement protecteur des salariés dans certains pays: «le droit conventionnel du travail est le plus vigoureux, là où la législation sociale est la plus faible» (p. 189). L'absence, par contre, d'une réglementation appropriée d'une telle négociation: celle-ci n'est actuellement possible qu'*extra legem* (p. 192). Faudrait-il pour autant en venir à adopter, à la française, la personnalisation juridique obligatoire des syndicats signataires (p. 198)? Dans l'immédiat, comme solution d'ensemble, l'auteur propose une variante à une proposition initiale du professeur Durand: l'établissement de commissions mixtes européennes de négociation, qui détermineraient des normes conventionnelles européennes reprises ensuite dans les différentes juridictions nationales.

Le droit français des dernières années se tourne davantage, avons-nous vu, vers la négociation et ce, particulièrement au niveau de l'entreprise, ou même, de l'établissement. N'y a-t-il pas, en cela, un point de convergence avec les droits nord-américains (voir, mais dans le cas des U.S.A. seulement, p. 550), même si le droit français ne se soucie pas tellement encore du comportement des parties qui doivent, dans certains cas, négocier? Quant à la portée des différents accords ou conventions qui se propagent à ces niveaux, on observera en particulier (pp. 565 et ss.), phénomène nouveau en droit français, l'assouplissement possible, à certaines conditions, de l'ordre public social, relativement à certains sujets; modalités particulières d'application des majorations du salaire établi par des conventions de branche ou des accords professionnels ou interprofessionnels applicables à l'entreprise, aménagement et répartition des horaires de travail et modalités de récupération des heures perdues, mise en place d'équipes de fin de semaine et travail de nuit des femmes...

En bref, l'ouvrage du professeur Despax fait la somme du contenu et des tendances du droit français relatif aux trois grands sujets en titre. De surcroît, il n'envisage pas ceux-ci isolément; il prend bien soin, au contraire, de relier leur évolution, lorsqu'elle s'y prête, à celle d'autres secteurs du droit français.

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**New Technology International Perspectives on Human Resources and Industrial Relations**, by Greg J. Bamber and Russell D. Lansbury (Ed.), Winchester, MA, Unwin Hyman, 1989, 267 pp., ISBN 0-04-445123-7

**New Technology International Perspectives on Human Resources and Industrial Relations** edited by Bamber and Lansbury brings together internationally respected contributors to this timely collection. The chapters were originally papers given at the Hamburg Congress of the IRRA in 1986 where technological change was one of the main themes. Most have since been revised. The book is unified by the introductory chapter, **Technological Change, Industrial Relations and Human Resource Management** by Lansbury and Bamber. Four themes are developed: «From Industrial Relations Towards Human Resource Management; Towards Industrial Democracy and Employee Involvement; Managing Change and the Socio-Technical Approach; and, Gender, Structural Change, Skills and Labour Market Segmentation». Key

concepts are presented to focus the readers attention on analytical frameworks, from the socio-technical approach to the neo-human relations approach that are necessary to examine this pressing issue. Several «Western» advanced market economies are the focus of this international perspective.

The American response of unions and employers to technological change is presented by Everett Kassalow. He notes the greater employee and union involvement in decisions relating to technological change in such setting as AT&T and CWA as well as programs of other employers with the UAW, UFCW and USWA. Several innovations towards training, investment, income and job protection plans that exist in collective agreements are presented, however no data is produced to indicate the significance of such clauses. He does point out that, «By no means all collective agreements contain all these provisions, and some contain few or even none of these». More importantly, as he presents, the effects of job displacement may fall more heavily on the 80% (greater in 1990) of the private sector that is not unionized.

Kochan and Tamir present a model of collective bargaining that accommodates technological changes which needs testing in the international arena. They indicate that, «those collective bargaining and industrial relations systems or relationships that provide a role for employee representatives at earlier stages of the planning and decision-making process are expected to produce both a smoother adaptation to new technologies and a better accommodation of the interests that workers, employers and society bring to those decisions». This requires a strengthened role for the unions and an involvement of worker representatives in strategic decision making. They note that collective bargaining must be expanded to deal with specific issues of the impact of technological change. «Unions will need to play a more influential role at the strategic level of business decision-making and modify many of the job-control traditions associated with collective bargaining relationships at the workplace». This chapter is only a preliminary report of their work which Kochan refined in 1988 at the IRRA meeting in Québec City. Unfortunately no directions were presented to illustrate how American labour relations are to be changed to accommodate these innovations.

Bamber and Lansbury examine co-determination and technological change as it works in the German automobile industry. In their analysis of three car manufacturing firms, they note that «[...] the management and workers' representatives accept some degree of joint responsibility for industrial relations, at the three levels; at the plant level for human resourcing practices and the organization of the labour process; at the board of directors level for longer-term strategic planning; and at the regional and national levels of the union and employers' associations for the regulation of pay and hours of work». However, although there is «joint responsibility», it applies only to the «consequences that directly affect the workplace». This means that workers are only informed after the decision has been taken to implement new technologies. The three firms also demonstrate the differences which reflect alternative relationships and history that develop between labour and management. These significantly influence future abilities to confront the complex issue of the introduction of new technologies. This is not to say that the codetermination relationships are inferior to those of the North American auto industry. The German auto worker still has significantly more opportunity to influence decisions than his counter part in North America.

Davis and Lansbury's paper on **Worker Participation in Decisions on Technological Change in Australia**, indicates that Australian industrial relations towards technological change is not much different than in North America. Although the unions have actively sought more involvement in decisions regarding the implementation of technological change, they can only have an effect after management has made the decision, i.e. they are involved in the impact of the decision on termination, change and redundancy. As important is the reluctance of

management to involve the workers to any great extent in decisions and a failure of the union in providing enough resources to insure that the workers are adequately prepared with technical expertise necessary to provide sound input.

Verma and Zerbe's paper on **Employee Involvement Programs and Worker Perceptions of New Technology in North America**, is the result of a survey of employees of three high technology firms in the U.S. Their survey demonstrated that workers are desirous of participating «[...] in decisions relating to the use of technology at the workplace level. Desire for participation in technology decisions is similar to desire for participation in proximal issues such as work methods and quality, and dissimilar to distal issues such as hiring, firing and supervision». As with all such studies, there is a difficulty of comparison between employees of different firms as their perceptions of quantity of participation depends on their own experiences. Therefore what one considers having «no say» to «a lot of say» is influenced by their past work experience and may not be useful for comparable data. Unfortunately the authors, in their survey, used terms that are not adequately defined such as «involvement in decisions». In North America, «involvement» can mean anything from consultation to codetermination and certainly may not have similar meaning to all employees.

Cressey and Di Martino present the European overview on the changing patterns of industrial relations and technological change based on their research with the European Foundation for the Improvement of Living and Working Conditions. This action research approach to technology and participation (final phase of three) involved 10,000 management and labour representatives from 2,500 companies. From their tri-partite labour market parties approach, Cressey and Di Martino first explore the constraints operating within the European setting and then recommend «technological participation» as a potential solution. They also suggest that legislating participation in the decision-making process alone is not sufficient to meet the challenges that technology presents. Due to the dynamic and uncertain nature of technology, they believe that more dialogue is necessary among the labour market parties that is traditionally found in the substantive collective agreements of Europe. A more open approach is recommended in which consent of the workers and their representatives are essential. This involvement carries the requirement that the defensive positions of the unions be altered from issues of employment, remuneration and working conditions, familiar to North American unions, to «[...] the whole range of problems connected with the introduction of new technology (e.g. restructuring plans, workforce mobility, productivity and competitiveness)». Issues that affect the strategy depend on the type of technology chosen, management strategies, market situation, etc. They review the areas in which participation plays a positive role in the introduction to new technologies and conclude that technological participation should be supported at the national and international level to understand the dynamics of the process. Five methods are proposed to improve the understanding of the issues surrounding technological participation and to provide the labour market parties with the necessary expertise to encourage the introduction of the new technologies. This paper provides excellent reading from the advanced European perspective and illustrates the gap that exists between the labour market parties of Europe and those of North America in their respective approaches to this pressing issue.

The next two articles examine the issues surrounding managing change and the socio-technical approach. First, Graverson's excellent case study from Denmark emphasized the need to integrate the technical and social systems into the first phase of technological change, the planning process. Heller furthers this assessment of the need for the socio-technical approach in human resource management. He refutes the technological imperative argument and proposes an integrative approach in which the human side is taken into account. Maximizing the technological component is not possible where the intervention of workers is required and therefore the socio-technical approach is seen to be one of the solutions.

The final section, **Gender, Structural Change, Skills and Labour Market Segmentation**, rounds out this international collection. The first article presents more evidence that women will be adversely affected by new technologies, to a greater extent than men (Greve). Although some of the evidence is dated, the end result remains the same: greater attention is needed to solve the problems created by new technologies on women, and differing solutions are necessary if we are to address this imbalance. Backstrom, in the chapter on **New Technology, Economic Progress and Employment in Sweden**, attempts to explain the positive attitude of Swedish trade unions towards technological change. Readers would benefit from knowledge of the codetermination model of Sweden to fully appreciate the inter-relationships that exist among the labour market parties that facilitate the introduction of new technologies. The final chapter by Sarvati and Cove entitled **New Technologies: Skills 'Mismatch' and the Challenges ahead**, projects the possible effects of new technologies on employment and suggests that a «new industrial relations» is emerging from technological pressures. The ILO has always sought dialogue and consensus as the means of settling the most complex problems and in this piece the authors remain true to form. They note that «Unions in Australia, Belgium, Canada, France, the Federal Republic of Germany, Japan, Switzerland, the UK, the USA, the Nordic countries and Asia agree at both the national and international level that workers must be fully involved in the planning for technological change». Unfortunately, outside of Western Europe, (excluding Britain) management does not share that perspective to any great extent, except for some conspicuous, progressive firms.

Sarfati and Cove note that in Western Europe, most collective agreements contain clauses on consultation regarding technological change while some facilitate significant union/employee involvement relating to the impact of the technology. Included in some agreements are provisions for employee/union notification of the planning of technological change. This is significantly different from North America. In Canada, of the 1016 revisions to collective agreements between 1986 to November 1988 only 54 negotiated or renegotiated provisions dealt in any way with technological change. The authors point out the importance for training of the workforce to adapt to and adopt new technologies that are necessary for industry to remain competitive.

This collection demonstrates once more how advanced the Western European labour market parties are in dealing with the advent of new technologies. North Americans can learn from this collection and must continually review the changes that take place in European industrial relations. The outdated adversarial roles of the labour market parties in Canada and the U.S. must give way to a new industrial relations. The real question is who will have the political will to institute the framework for the necessary changes. Without that will, and movement towards a tri-partite codeterminant model, North American commerce and standard of living may wither and decline.

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**Les principes de l'équité salariale et les approches dans le secteur public québécois**, Montréal, Institut de recherche et d'information sur la rémunération, IRI-050, octobre 1989, 99 pp. et annexes, ISBN 2-551-12193-0

L'équité salariale constitue depuis quelques années déjà un des sujets les plus débattus en relations industrielles et cette question a été un des enjeux importants des dernières négociations dans le secteur public québécois. Les informations publiées sur la question, bien que